

## **REMARKS**

The applicant provides the following remarks to the Election/Restriction communication mailed June 23, 2009.

1. **Status Of The Claims.** Claims 1, 2, 32, 33, 37-39, 45-52 and 58-66 are pending in the subject application. Claims 2-31, 40-44, 53-57, and 62-64 have been without prejudice cancelled. Applicant respectfully reserves the right to pursue any non-elected claims, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications. Claims 1, 32, and 61 have been amended. The Examiner requires election of a single species to which the claims shall be restricted if no generic claim is finally held allowable.

2. **Amendment of Claim 1 and Traverse of Election Restriction Requirement.**

Applicant has amended claim 1 to overcome the lack of unity based on United States Patent No. 4,402,856 to Schnoring ("Schnoring"). The Examiner states that Schnoring teaches microcapsules are formed of a gelatin or mixtures of gelatin and release of the core material in the presence of water of aqueous solutions. *Office Communication at page 5.* Applicant has amended claim 1 to include the limitations of "aqueous stable capsules". This amendment is broadly supported by the specification at page 7, lines 18-24, as follows:

"Another broad object of the invention can be to provide capsules containing material(s) that remain intact in a composition or carrier until delivery of predetermined application characteristics to the composition (such as an amount or level of force, pressure, shear, individually or in combination) or particular process step characteristics commence, or an elapse of a specific duration of time of proper utilization of the composition, or the like, and then release material to generate sensorial indicia of occurrence of a discrete event to the user."

Also see specification at page 12, 23-25 “to convey aqueous stable capsules containing materials soluble, activated, or miscible in water”.

Also see specification at page 14, line 12 including for example “polyvinyl acetate” which is known to be insoluble in aqueous.

As amended claim 1 includes a special technical feature that makes a contribution over the Schnoring reference and that each of the species (i)-(v) requires in common. Accordingly, Applicant requests that the Examiner withdraw the Schnoring reference and the election/restriction requirement based on the Schnoring reference.

Traverse of Species (i). In particular, Applicant traverses the requirement of species (i). The Examiner requires an election of a capsule wall thickness of either claim 37 or 38. However, claim 38 does not recite a capsule wall thickness but rather a capsule size depending from claim 37. Accordingly, Applicant requests that the Examiner withdraw the election requirement and examiner both of claims 37 and 38 as a single group.

Provisional Election of Species. Applicant provisionally elects the following claims for each group, as follows:

Group (i): claim 37

Group (ii): claim 47

Group (iii): claim 49

Group (iv): claim 51 and also claim 52

Group (v): a compound selected from claims 39 and 61-66 as follows:

claim 39: “a hand washing agent”. Applicant has discussed with the Examiner that there is no compound species presented by claim 39 and claim 39 should not be included in group (v).

claim 61: applicant elects the mixture of claim 61 as amended for examination as an aqueous carrier.

claims 62-64: have been canceled. Making moot any election.

claim 65: Applicant elects “trisodium phosphate” as the material contained within the capsules.

Claim 66: Applicant elects “a polyvinyl acetate” as the capsule material.

As to group (v), if Applicant understands the Examiner correctly, has elected a single aqueous carrier which entrains a plurality of aqueous stable polyvinyl acetate capsules which contain an amount of trisodium phosphate.

## CONCLUSION

Applicant without prejudice has canceled claims 2-31, 40-44, 53-57 and 62-64. Applicant has amended claims 1, 32, 61, 66. The applicant has made a provisional election of species as set out above with traverse.

Dated this 22 day of September, 2009

Respectfully Submitted,

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